



Testimony on Senate Bill 402, 403
Senate Transportation Committee
Tuesday, May 22, 2012

The Epilepsy Foundation of Michigan, founded in 1948, is the only statewide non-profit organization that focuses entirely on seizure disorders. Our mission is to ***lead the fight to stop seizures, find a cure, and overcome the challenges created by epilepsy.*** The Foundation is a separately incorporated affiliate of the national Epilepsy Foundation of America.

We understand that the public's safety must be balanced with the rights of the people with epilepsy and the concerns of physicians. The Epilepsy Foundation does support state laws that give physicians immunity from liability for voluntarily participating in the driver's licensing process, and for reporting those who pose an imminent threat to public safety for driving against medical advice.

However, the Foundation has some concerns about this legislation as it is currently written.

The Foundation has had concerns about the current driver's licensing rules as it relates to people with epilepsy, and has sought changes in the rules for those who could safely drive. Our policies support a consensus statement and model law developed in 1992 by representatives of the American Academy of Neurology, American Epilepsy Society, and Epilepsy Foundation of America (see *Epilepsia*. 1994 May-June;35(3):696-705). This consensus document proposed that physicians should not be required to report their patients "to protect the doctor-patient relationship."

The model law would also limit the liability of physicians who voluntarily report a patient who is driving against medical advice or who has medical information to share with the Secretary of State as part of the driver's licensing process. We have heard from physicians that under the current rules, a physician who provides medical information for the purposes of obtaining or renewing a license are placed at risk. As a result, physicians have been less willing to provide information to the Secretary of State. The impact has been that people with epilepsy who are reasonably thought to be able to operate a motor vehicle safely have been unable to get a license.

We would support voluntary reporting to the Secretary of State when necessary. However, the report should be reviewed by a Medical Advisory Board with a neurologist specializing in the treatment of epilepsy (epileptologist) on the panel to make an informed decision on the licensee's ability to safely operate a motor vehicle. By only

offering the Secretary of State the opportunity to review the physician's medical reports and recommendations, absent a Medical Advisory Board's input, a person with epilepsy is not afforded a fair opportunity to informed medical review of his or her individual ability to drive safely.

In addition, we are concerned that SB 402 allows physicians to breach doctor-patient confidentiality by allowing them to warn third parties of the patient's mental and physical qualifications to safely operate a motor vehicle. Third parties encompass a broad spectrum of people to whom a physician may disclose otherwise confidential information to anyone.

Finally, we would like to see additional language on the seizure free period. Epilepsy is a multifaceted disorder, which manifests in various ways and is treated accordingly. SB 402 requires that if a physician reports an episode, he must recommend a period of suspension of at least six months or 12 months for a chauffeur's license. What isn't addressed is the possibility of shortening the suspension on a license when the physician voluntarily participates in the driver's licensing process by submitting medical information.

Thank you for the opportunity to share our concerns with you.

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President